

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
SEATTLE

RAJU A.T. DAHLSTROM,  
Plaintiff,  
v.  
UNITED STATES OF AMERICA, et al.,  
Defendants.

Case No. 2:16-cv-01874-RSL

JOINT RESPONSE TO ORDER TO  
SHOW CAUSE AND  
STIPULATED MOTION TO  
EXTEND INITIAL SCHEDULING  
DATES AND ~~PROPOSED~~  
ORDER

**JOINT RESPONSE TO ORDER TO SHOW CAUSE**

COMES NOW plaintiff, Raju Dahlstrom, by and through his attorney, Richard L. Pope, defendant, United States of America, through its counsel, Tricia Boerger, Assistant United States Attorney, and the individual defendants, by and through their attorneys, Thomas Nedderman and Jack W. Fiander, jointly in response the Order to Show Cause dated December 15, 2017.

JOINT RESPONSE TO ORDER  
TO SHOW CAUSE AND STIPULATED  
MOTION TO EXTEND INITIAL SCHEDULING  
DATES AND ~~PROPOSED~~ ORDER  
[Case No. 2:16-cv-01874-RSL] - 1

UNITED STATES ATTORNEY  
700 Stewart Street, Suite 5220  
Seattle, Washington 98101-1271  
206-553-7970

1 The parties regret and apologize for failing to comply with the Court's scheduling  
2 dates or request an extension in advance of the deadline for filing a Joint Status Report.  
3 This was the result of inadvertence rather than a failure to attend to the issues in this case.

4 The parties have been attendant to this case and have prepared extensive briefing  
5 for the Court on several issues. In particular, the parties dispute whether subject matter  
6 jurisdiction exists, whether discovery is appropriate prior to a determination of  
7 jurisdiction, and whether leave to file a second amended complaint should be granted.  
8 Two motions are pending on these issues, the United States' Motion to Dismiss pursuant  
9 to Fed. R. Civ. P. 12(b)(1) (Dkt. No. 38), and Plaintiff's Motion for Leave to File a  
10 Second Amended Complaint (Dkt. No. 47). The Court has already considered and  
11 granted in part and denied in part Plaintiff's Motion to Deny or Continue the United  
12 States' Motion to Dismiss in which Plaintiff requested an opportunity to conduct general  
13 discovery before the motion was decided (Dkt. Nos. 39 and 46). The Court denied that  
14 request. Therefore, the outcome of these motions directly correlate to the parties' ability  
15 to fully assess the nature, extent and timing of any discovery in this matter.  
16  
17  
18

19 **STIPULATED MOTION TO EXTEND INITIAL SCHEDULING DATES**

20 The parties respectfully stipulate and move for an order extending the initial  
21 scheduling dates by 60 days from the date of any Order granting this motion. An  
22 extension is necessary to allow time for the pending motions to be considered and to  
23 allow the parties to meaningfully participate in a discovery conference, submit initial  
24

1 disclosures or prepare a discovery based upon the pleadings and issues that result from  
2 the pending motions.

3  
4 **SO STIPULATED**

5  
6 Dated this 21<sup>st</sup> day of December, 2017.

7 Respectfully submitted,

8 ANNETTE L. HAYES  
9 United States Attorney

10 s/ Tricia Boerger

11 TRICIA BOERGER, WSBA No. 38581

12 Assistant United States Attorney

13 Western District of Washington

14 United States Attorney's Office

15 700 Stewart Street, Suite 5220

16 Seattle, Washington 98101-1271

17 Phone: 206-553-7970

18 Email: tricia.boerger@usdoj.gov

19 *Attorney for Defendant United States of America*

20  
21 **SO STIPULATED**

22 Dated this 21<sup>st</sup> day of December, 2017.

23 s/ Richard L. Pope

24 RICHARD L. POPE, WSBA No. 21118

Lake Hills Legal Services, P.C.

15600 N.E. 8th Street, Suite B1-358

Bellevue, Washington 98008

Phone: 425-829-5305

Email: rp98007@gmail.com

*Attorney for Plaintiff*

1 **SO STIPULATED**

2 Dated this day of December, 2017.

3 s/ Thomas Nedderman

4 THOMAS NEDDERMAN, WSBA No. 28944

5 FLOYD, PFLUEGER & RINGER P.S.

6 200 W. Thomas Street, Suite 500

7 Seattle, Washington 98119

8 Phone: 206-441-4455

9 Fax: 206-441-8484

10 Email:tnedderman@floyd-ringer.com

11 *Attorney for Individual Defendants*

**ORDER**

The Court, having reviewed the parties' joint response to the Order to Show Cause and the record in this matter, and being fully informed, hereby VACATES the Order to Show Cause and hearing noted for January 5, 2017.

Further, the Court finds that good cause exists to extend the initial scheduling dates by 60 days from the date of this Order.

As such, and the parties having so stipulated and agreed, it is hereby ORDERED that the initial scheduling dates are extended for 60 days from the date of this Order.

DATED this 5<sup>th</sup> day of January, 2018.



ROBERT S. LASNIK  
United States District Court Judge